

Voting Equipment Subgroup
Meeting Notes
April 25, 2003

Members present: Secretary of State Todd Rokita, Dick Dodge, Pam Finlayson, Dee Ann Hart, Laura Herzog, Jon Laramore, Karen Daily (proxy for Martha Padish), Kristi Robertson and Robin Winston. Facilitators: Holly Davis and Sarah Taylor.

Others present: David Bear (Public Strategies), Steve Corey (Diebold Inc.), Cris Fulford (Attain, Inc.) Laura Larimer (Indiana State Chief Information Officer), Bill Pierce (Indiana Technology Oversight Commission), Steve Shamo (Micro Vote) and Julia Vaughn (Count Us In).

Secretary Rokita called the meeting to order and made special note of the loss of State Representative Roland Stine. A driver suspected of driving while under the influence killed Rep. Stine in a car accident last night. Rep. Stine was the ranking minority member to House Elections. Todd indicated that Rep. Stine advocated election reforms in a positive and fair manner and requested members to keep Rep. Stine and his family in their thoughts and prayers.

Todd then asked Vote Indiana Team members and audience members to consider being pollworkers for the upcoming Primary Election, May 6th. He then turned the meeting over to Sarah Taylor for some general announcements. Sarah handed out the revised schedule and reminded members that the Voting Equipment subgroup had 4 ½ hours left, including today, to tackle their issues. A request was made for all team members and other interested parties to submit email addresses of groups they represent professionally and privately to be included in the electronic distribution of the state plan during the public comment period. Sarah gave out her new voice mail number: 234-VOTE.

There were no additions or corrections to the meeting notes from March 21, 2003.

Sarah attended an earlier meeting today concerning the Assistive Technology Standards Implementation Group that is also dealing with voting equipment standards for voters with disabilities. Cris Fulford of Attain, Inc was then asked to make comments regarding her involvement with this group and Attain's mission. Cris explained that 2001 House Bill 1926 (HB1926) adopts the Section 508 federal standards for assistive technology. There is a waiver process for state agencies that do not have enough money or cannot get equipment. HB1724 expands the standards to all branches of government including local. Senate Bill 477 (SB477) defines accessible voting equipment and accessible voting locations. Attain was created in 1990 by the Technology Act. The group is half federally funded and half state funded. Their mission is to ensure people with disabilities have access to assistive technology.

Laura Larimer, Chief Information Officer for the State of Indiana, was then introduced. Laura pledged to help in any way her office can and will wait to hear what will be

needed. Bill Pierce of the Indiana Technology Oversight Commission and Chairman of the Assistive Technology Standards Implementation Group was introduced next for comments. Bill says the group reviews information technology requests for all state agencies. First they review state purchases for new equipment to make sure they are compliant with Section 508 and then they look for public access. The compliance deadline is August of 2003 or a plan to be compliant must be submitted by then. A large piece of this equation is web accessibility. All vendors receive templates so evaluation responses for meeting accessibility scores as 10 % of the overall evaluation.

Next on the agenda was the review of survey results from county clerks collected by Kristi Robertson regarding voting equipment. Kristi handed out three spreadsheets. The main spreadsheet outlined which voting system a county used in November 2000 and which system they are currently using along with the number of precincts. The second and third spreadsheets displayed punch card and lever machine counties. A correction was noted for the total on the lever machine spreadsheet in the far right column. The total should be 136 since Sullivan County is no longer on lever machines. Kristi explained that the Secretary of State and the Governor recently certified to the GSA the number of qualifying precincts Indiana had according to HAVA. She stated that it must be a priority to replace all lever and punch card voting systems otherwise Indiana jeopardizes HAVA funding. She also stated that money is available for the counties that qualify for Section 102 HAVA dollars for being on punch card or lever systems in November of 2000.

Jon Laramore commented that in most cases if not all, even counties with new voting equipment are not compliant when it comes to accessibility issues.

Secretary Rokita then asked subgroup members to focus the remainder of the meeting's time on deciding how the state plan will address all the voting equipment issues the State must tackle. Todd described the draft state plan as a blend of ideas taken from subgroup meeting notes, introduced legislation, other states' plans and original ideas were used where issues had not been addressed. (Note: As stated in the April 11th meeting, the document's purpose is to focus team members on specific decisions that need to be made in order to make a certification to the federal government.) He asked Sarah to lead the discussion by reviewing current suggestions in the draft state plan. Sarah gave an overview of the Tier process outlined in Section 6 and 10 of the draft state plan. Tier I was defined in the draft state plan as precincts that used punch card or lever machines in November of 2000 and are still using punch card and lever machines. These precincts are called qualifying precincts in HAVA and are eligible for Section 102 monies. Tier II was defined as precincts that used punch cards or lever machines in November of 2000 but have since acquired a new voting system. These precincts also "qualify" under HAVA for Section 102 monies. Tier III are precincts that did not have punch card or lever machines in November 2000 but are still not considered ADA accessible. In the draft state plan, Tier I counties could choose the vendor of their choice off the QPA and be reimbursed at the amount that assumed full participation of all counties or buy from the chosen state vendor. Tier II could buy off the QPA for ADA upgrade and qualify for reimbursement. Tier III counties would also be eligible to apply for reimbursement for

the ADA upgrade. The draft state plan required counties to submit an application, provide certification of polling place accessibility and buy off the QPA or pay lower and enter a MOU with the state outlining roles and responsibilities.

Pam Finlayson shared her concerns about narrowing the bid to one preferred vendor. Pam provided members with two documents. The first document was a memo and spreadsheet comparing the costs of equipment Allen County would need from each vendor if they were selected. She utilized information from the current QPA and was unsure if all necessary information was available for her to make the comparison. For example, Pam questioned whether the ADA voice feature could be handled in house and if not, what cost would be incurred. Pam also distributed a document outlining the number of machines allocated in each of Allen County's precincts determined by projected turnout. She also stressed that one preferred vendor would be unable to handle all counties due to the variation in equipment and software. The cost of handling this situation would be cost prohibitive. Todd commented that Pam's memo includes a statement that he had not heard before concerning Pam's knowledge that other election directors cite that using different voting systems inhibits election tampering on a wide scale. Laura Herzog also shared her concern that selecting one vendor during a time of constant change in the voting system world would make things more difficult. Both Pam and Laura strongly suggested the draft plan remove language concerning the use of one vendor.

Sarah then reminded members that the draft state plan allows flexibility for those counties wishing to use a different vendor by reimbursing them at the amount the county would have had spent on their behalf had they been part of the statewide acquisition. Todd indicated that different vendors would be needed to satisfy the needs of counties and that the idea seemed to be a way to do that and stretch HAVA dollars to get more funds to more counties while still ensuring every county had a choice of voting system vendor. He noted that Indiana clearly has a need to avoid jeopardizing HAVA funding by replacing punch card and lever systems. In addition, it appears from the survey that almost all counties will need an accessible machine for every polling location. These two requirements may take up to 70 % of our available HAVA dollars and still not fully cover the local cost, a concern he has repeatedly heard. Todd indicated that the tier process stretched the dollars to allow for HAVA requirements to be met and reimbursement dollars to be available for counties that have already made changes in their voting equipment. He asked members to change or replace the tier process suggested in the draft state plan to meet these needs.

Kristi then explained that the latest version of SB268 expanded the reimbursement program to include purchases not made off the original QPA. Robin Winston asked if counties are aware what other counties purchase and for what amount. Pam answered that the advantage to the QPA is the information it provides on costs to counties. Pam said that vendors do not post their prices on their websites for comparison. Steve Corey (Diebold) says the current QPA expired and needs to be reissued. Kristi commented on the complexity of the QPA and gave the example of counties that may pursue a lease

purchase arrangement. Robin expressed concern that using a figure in the draft state plan for purpose of making calculations would lock the state into paying more than necessary.

Jon Laramore asked whether or not counties qualifying for Section 102 monies will get equal amounts. He said all counties would need money for accessible equipment. Jon commented that once the immediate problems are fixed that the rest of the money could be distributed evenly by precinct. Pam and Jon both emphasized the need to fix the counties still on punch card and lever machines first and as quickly as possible to avoid jeopardizing HAVA monies. Dee Ann Hart discussed that some counties are starting from scratch and are at a total disadvantage. Dee Ann thinks Tier One should be taken care of first. Pam, Jon and Laura all feel strongly that Tier One and Two get equal amounts. Pam suggested that only active precincts be considered along with the number of registered voters. Sarah stated that Laura during the April 11th Team meeting had reminded members of reprecincting in 2005 and its' impact on voting equipment. Sarah recalled Utah's draft plan that called for counties needing more than one DRE per precinct to join in with the state by sharing some of the financial burden...a set amount per each additional machine.

Kristi commented that she is still reviewing information gathered by the survey however she reported that counties have a difficult time telling the number of polling locations because it may vary in each election year. Jon suggested we first address Tier One since they pose the greatest risk to HAVA dollars and secondly we take remaining Section 102 monies and divide them equally by qualifying precincts. Todd suggested using a percentage to account for fluctuation in the actual federal dollar amounts that might be received. Jon said we don't want to give counties more than they need and if we can get any additional dollars we can figure it out then. Laura Herzog agreed with Jon. Todd reminded the members that in the event we end up with more or less money, the plan could be revisited. Dee Ann said if we get an influx of dollars if HAVA is fully funded then we could put more money towards other aspects of the plan like education. Pam thought Dee Ann's idea was a good one.

Secretary Rokita then tasked Sarah and Holly with drawing up Jon's suggestion for further discussion that qualifying precincts receive Section 102 dollars divided equally and then other monies would be distributed on a precinct basis for all 3 tiers.

Laura echoed Pam's concern that one preferred vendor language be removed. She felt more comfortable getting rid of the word one. "We already have one statewide voter file vendor and do not want a preferred vendor for voting equipment. Please!"

Todd Rokita agrees that jurisdictions pick their own state certified vendor. It was an idea for stretching the dollars and had nothing to do with vendor choice.

Public Comment:

Steve Corey (Diebold) testified that Diebold offers both DREs and optical scan voting systems. He says that counties should go to DREs due to HAVA's language on

accessibility. It makes more sense in the long run otherwise a county may have to operate two voting systems. Steve said a DRE is more expensive up front and that smaller to mid size counties should really look at acquiring DREs. He also suggested that there are a lot of uninformed people in the counties and that someone needs to help clerks explain to commissioners and councilors what is going on.

Karen Daily (proxy for Martha Padish) commented that when you put a pen in a voter's hand, you never are sure what you are going to get.

Steve Shamo (Micro Vote) questioned whether or not Section 102 monies could go to optical scan voting equipment due to Title III requirements on accessible voting equipment. Steve said scanners are cheaper but ballot printing is more expensive in the long run. He said DREs are where everything is going due to ADA standards.

Bill Pierce (Indiana Technology Oversight Commission) said there is a need to establish a QPA addressing the ADA requirements.

Pam Finlayson commented on the paper versus electronic discussion that always occurs amongst election directors but her understanding of HAVA is that optical scan systems comply and can be utilized.

Julia Vaughn (Count Us In) is concerned that too much money is going to voting machines and not enough to other areas. Julia noted that the Cal Tech/MIT study discussed problems with the voter registration process also. Technology is not always the solution. Training is a must. She agrees that the elimination of punch card and lever must occur. She also fully supports the purchase of accessible voting equipment for the polling locations. Julia understands that a fair thing to do is to spread the dollars out evenly however she does not believe it is the right thing to do.